

MELINDA S RIECHERT, State Bar No. 65504
ALEXANDER NESTOR, State Bar No. 202795
MORGAN, LEWIS & BOCKIUS LLP
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306-2212
Tel: 650.843.4000
Fax: 650.843.4001
E-mail: mrieichert@morganlewis.com

Attorneys for Defendant
HEWLETT-PACKARD COMPANY

BARRY B. KAUFMAN, ESQ., SBN 113586
LAW OFFICES OF BARRY B. KAUFMAN, APC
16133 Ventura Blvd., Suite 700
Encino, California 91436
Tel: 818.995.9115
Fax: 818.995.9120
E-mail: bbkaufman@earthlink.net

Attorney for Plaintiff
BARRY KLIFF

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BARRY KLIFF,

Plaintiff,

vs.

HEWLETT-PACKARD COMPANY, a
Delaware Corporation; and DOES 1
through 50, inclusive.

Defendants.

Case No. C-05-01438 JW

**STIPULATION AND [PROPOSED]
ORDER CONTINUING DISCOVERY
CUT-OFF DATE, EXPERT WITNESS
DISCLOSURE DATES, AND TRIAL
SETTING CONFERENCE DATES**

1 WHEREAS, the parties filed, and the Court approved, a stipulation on May 4, 2006,
 2 requesting that the Court continue the scheduled expert disclosure and discovery cut-off dates
 3 because the parties believed the case was ripe for Defendant to file a summary judgment motion
 4 and it was in their best interests, as well as the Court's, to litigate Defendant's summary judgment
 5 motion before expending further time and resources completing discovery, including additional
 6 depositions and expert discovery;

7 WHEREAS, the parties filed, and the Court approved, a stipulation on September 12,
 8 2006, requesting that the Court continue the scheduled expert disclosure and discovery cut-off
 9 dates again because the Court continued the hearing date on Defendant's summary judgment
 10 motion until September 25, 2006 due to its unavailability, and then to October 3, 2006, due to
 11 Plaintiff's request;

12 WHEREAS, the Court took Defendant's motion under submission following the hearing
 13 on October 3, 2006;

14 WHEREAS, the parties filed, and the Court approved, a stipulation on October 18, 2006,
 15 requesting that the Court continue the scheduled expert disclosure and discovery cut-off dates
 16 again pending the Court's ruling on Defendant's summary judgment motion so that the parties
 17 could avoid expending further time and resources completing discovery, including additional
 18 depositions and expert discovery;

19 WHEREAS, the parties filed, and the Court approved, a stipulation on November 16,
 20 2006, requesting that the Court continue the scheduled expert disclosure and discovery cut-off
 21 dates again pending the Court's ruling on Defendant's summary judgment motion so that the
 22 parties could avoid expending further time and resources completing discovery, including
 23 additional depositions and expert discovery;

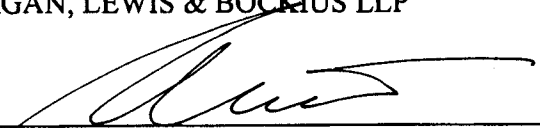
24 WHEREAS, Defendant's summary judgment motion is still pending;

25 THEREFORE, the parties stipulate and hereby respectfully request that the Court issue an
 26 order continuing the following dates as indicated so that the parties can avoid expending further
 27 time and resources completing discovery, including additional depositions and expert discovery,
 28 until the Court rules on Defendant's motion:

- 1) Last day for designated expert witnesses to produce their Rule 26 Reports is February 2, 2007;
- 2) Last day for Fact Discovery and Expert Discovery is February 23, 2007;
- 3) Last day to file/lodge the Preliminary Pretrial and Trial Setting Conference Statement and Proposed Order with chambers is March 23, 2007;
- 4) The Preliminary Pretrial and Trial Setting Conference is March 26, 2007.

MORGAN, LEWIS & BOCKIUS LLP

DATED: December 8, 2006


Alexander Nestor
Attorneys for Defendant Hewlett-Packard
Company

LAW OFFICES OF BARRY B. KAUFMAN, APC

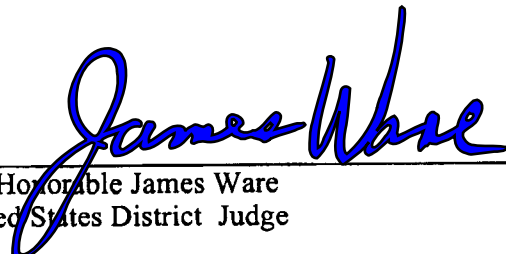
DATED: December 8, 2006


Barry B. Kaufman
Attorney for Plaintiff Barry Kliff

ORDER

Pursuant to the parties' STIPULATION, and GOOD CAUSE having been shown therefor,
IT IS SO ORDERED:

DATED: 12/11/2006


The Honorable James Ware
United States District Judge